

06-07-04

RCE/1644 #1  
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**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Application No.	09/780,142
Filing Date	February 9, 2001
First Named Inventor	Miller
Group Art Unit	1644
Examiner Name	Phuong N. Huynh
Attorney Docket No.	MEE-002

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTES**

**RCE v. CPA:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

**FEE AND SUBMISSION REQUIRED:** A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

**RCE APPLIES TO:** An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

**RCE DOES NOT APPLY TO:** (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

**1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114**

- a. ☐ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on \_\_\_\_.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_.
- c. ☒ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☐ Information Disclosure Statement (IDS) enclosed.
- i. ☐ PTO-1449
- ii. ☐ Copies of IDS Citations
- f. ☐ Other \_\_\_\_\_

**2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114**

- a. ☒ Small entity status
- i. ☒ was established in the prior nonprovisional application.
- ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☒ A Petition and Fee for Extension of Time for three months up to and including June 4, 2004 is enclosed herewith.
- c. ☒ A check in the amount of \$860.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$\_\_\_\_, to Deposit Account No. 20-0531.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.


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### 3. MISCELLANEOUS

- a. ☒ Return Receipt Postcard enclosed.  
b. ☒ Other Fee Transmittal

CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
<p>Direct all correspondence to: Patent Administrator Testa, Hurwitz &amp; Thibault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100</p>	<p>Respectfully submitted,</p> <p></p> <hr/> <p>Date: June 4, 2004 Reg. No. 38,678 Tel. No.: (617) 248-7317 Fax No.: (617) 248-7100</p> <p>Duncan A. Greenhalgh Attorney for Applicant(s) Testa, Hurwitz &amp; Thibault, LLP High Street Tower 125 High Street Boston, MA 02110</p>



PATENT  
Attorney Docket No. MEE-002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Miller *et al.*

SERIAL NUMBER: 09/780,142

GROUP NUMBER: 1644

FILING DATE: February 9, 2001

EXAMINER: Phuong N. Huynh

TITLE: Methods and Compositions for Treating Conditions of the Eye

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**AMENDMENT AND RESPONSE  
TO OFFICE ACTION, MADE FINAL**

Sir:

Responsive to the Office Action for the above-identified patent application, made final, mailed December 4, 2003, please extend the date for response by three months up to and including June 4, 2004. Applicants enclose a petition for a three-month extension of time to respond to the Office Action together with a check to cover the requisite extension fee. In addition, Applicants enclose a Request for Continued Examination to withdrawn the finality of the rejection.

**REQUEST FOR TELEPHONIC INTERVIEW**

The undersigned respectfully requests a telephonic interview with Examiner Huynh prior to issuance of a further Office Action in the instant application. The undersigned believes that an interview with Examiner Huynh may be sufficient to resolve any issues remaining in the case. The Examiner is invited to call Duncan A. Greenhalgh at 617-248-7317 to arrange a convenient time for the interview.

**Amendments** to the claims begin on page 2 of this paper.

**Remarks** begin on page 6 of this paper.